

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	Case No.
v.)	
)	Judge
THE STEUBENVILLE CITY BOARD)	
OF EDUCATION,)	Magistrate Judge
)	
Defendant.)	
)	

JOINT STIPULATIONS OF FACT

For the purposes of settlement of potential litigation only, acknowledging that the following stipulations of fact exclude those facts upon which the Defendant's defenses would have been based and that the stipulation of facts in no way constitutes or should be construed as an admission of liability by the Defendant, the parties stipulate as follows:

1. The Defendant maintains two separate classifications for its janitorial employees: Custodian Class I (Custodian I) and Custodian Class II (Custodian II). Females have been employed in the Custodian II position while males have been employed in the Custodian I position.

2. On or about March 8, 1988, Robert Minnifield completed a written application with the Steubenville City School District and on or about March 26, 1988, took a civil service examination administered by the Steubenville City Civil Service Commission ("Commission") for a position as a custodian. Based on his examination score, Mr. Minnifield placed second on the resultant

eligible list, behind another male candidate. Male and female applicants were administered the same examination and the eligible list included both males and females in descending order according to their examination results.

3. On or about May 4, 1988, the Defendant requested that the Commission certify female candidates from the eligible list for two vacant Custodian II positions. The Commission certified the four highest ranked females from the eligible hire list. On or about June 20, 1988, the Defendant made offers of employment to Sharon Grant and Anna Kennedy Leyland, who were the females with the two highest scores of those females to whom the exam was administered. Both Ms. Grant and Ms. Leyland were ranked lower on the eligible hire list than Mr. Minnifield.

4. According to the Plaintiff, the male and female custodians in some schools, on occasions, have cleaned restrooms designated for use by students of the opposite sex of the custodian while classes were in session. According to the Defendant, any such activity violates the express policy and was without the knowledge or consent of the Defendant.

5. The Defendant has not sought pre-certification of a bona fide occupational qualification for either the Custodian I or Custodian II positions.

6. The starting salary for Custodians I employed by Defendant in the 1987-88 school year was \$13,534, and the starting salary for Custodians II employed by Defendant in the 1987-88 school year was \$10,634. The starting salary for Custodians I e-


employed by Defendant in the 1994-95 school year is \$17,318, and the starting salary for Custodians II employed by Defendant in the 1994-95 school year is \$13,607.

7. There are core duties assigned to all custodial employees of the Defendant. Some custodial employees are required to clean classrooms, restrooms, and the halls in their respective school buildings and, as to these employees, such tasks comprise a portion of their core job duties. To the extent that Custodians I and Custodians II perform the same tasks, their jobs are substantially equal in skill, effort, responsibility, and working conditions.

8. The Plaintiff has independently verified that, in August of 1994, the Defendant offered all incumbent Custodian II employees a Custodian I position. With the exception of Ms. Sharon Grant, each incumbent Custodian II declined the offer of the Custodian I position.


Agreed and consented to,

For the Defendant:



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For the Plaintiff:



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